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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,375	02/02/2001	Kevin T. Gallo	MSFT121165	8078

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EXAMINER
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O STEEN, DAVID R

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/776,375

Applicant(s)

GALLO ET AL.

Examiner

David R. O'Steen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-13-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 16, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-54 rejected under 35 U.S.C. 103(a) as being unpatentable over Wason (US 6,701,383) in view of Horner (US 2002/0112247).

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Regarding claim 1, the claimed "system for synchronizing playback of media content with other content or with host computer time information" is met as follows by Wason:

- The claimed "web browser for providing a timing representation to a media player" is met by the web browser discussed in column 1, lines 29-31, which contains a plug-in media player and a SAL (synchronization Abstraction Layer) API to send timing information from the browser to the media player (discussed below).
- The claimed "media player including a first interface for object management and a second interface for exchanging timing and synchronization information with the web browser" is met by the RealVideo object 302 which creates a window for viewing media objects [col. 5, line 55] and the interface for passing the time and current information from the player to the SAL (Synchronization Abstraction Layer) 310 API of the browser [col. 5, lines 59-65].
- The claimed "player-hosting peer within the web browser for negotiating a playback state and a rendering status between the web browser and the media player" is met by the SAL (Synchronization Abstraction Layer), which functions as a synchronization interface for the web browser and media player to communicate through [col. 2, lines 26-41].

Wason does not disclose a plurality of media players, each of the plurality of media players exchanging, without user input, command and state change information

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between the web browser and each of the plurality of media players. Horner does disclose a plurality of media players (such as the players containing video, or logos, or other content, paragraph 57), each of the plurality of media players exchanging, without user input, command and state change information between the web browser and each of the plurality of media players (the system keeps track of states of each system and updates, or allows for update, each media player when certain actions are encountered or taken, fig. 8, paragraphs 106-108).

At the time of the invention, it would have been obvious for one skilled in the art to combine the plurality of media players as used in Horner, an analogous art, with the media synchronizing system of Wason to provide the user with a more exciting media environment.

Regarding claim 2, the claimed "player-hosting peer issues commands to the media player" is met by the SAL calling the RealPlayer plug-in and sending time updates to the media player in order to keep the two synchronized [col. 5, line 63-65].

Regarding claim 3, the claimed "media player notifies the player-hosting peer of media player state changes" is met by the media player sending the current time to the SAL for synchronization purposes when seeking or performing other functions [col. 6, lines 6-7].

Regarding claim 4, the claimed "second interface includes a playback state and a current playback time passed from the media player to the web browser" is met by the RealPlayer periodically calling SAL (within the browser) with the current time and

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synchronizing information (such as the node of the table for presenting a TOC window that is synchronized with the video) [col. 5, lines 59-65].

Regarding claim 5, the claimed "media player and the player-hosting peer jointly maintain the playing state and the current playback time" is met by SAL and the RealPlayer continually being updated with current time information in order to keep them synchronized [col. 5, lines 54-65].

Regarding claim 6, the claimed "second interface includes web browser time information and/or application time information passed from the web browser to the media player" is met by the ability for the SAL to keep the current time and call the RealPlayer with time updates [col. 5, lines 63-65].

Regarding claims 7-34, the claimed "player-hosting peer transitions through states including inactive, active, waiting for data, and out of sync" and the "transitions", "notifications", and "passes" that take place in the player-hosting peer and the media player are met by the inherent states of the SAL and the media player within the browser. As discussed in column 5, line 54 – column 6, line 23, the SAL and the media player are periodically calling each other and communicating state and time information between each other, in order to keep the SAL and the media player synchronized for the purpose of presenting synchronized information along with the media being played in the media player. For example, RealVideo and RealTOC are both synchronized to the current time of the RealPlayer. All of the passing from state to state is accomplished, though it may be inherent, it is accomplished by the passing of data between the SAL and the RealPlayer. The start, stop, seek, fast forward, and rewind

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commands are all discussed thoroughly throughout the cited section [col. 5, line 54 – col. 6, line 23].

Regarding claim 35, the claimed “web browser is operating in a television set top environment” is met by the mention of the fact that a set-top box can be used to implement this invention [col. 2, line 19].

Regarding claim 36, the claimed “other content includes advertising or other commercial content synchronized with at least one portion of the media content” is met by the advertising that can be integrated and synchronized with streaming media such as video and audio [col. 2, lines 49-50].

Regarding claim 37, the claimed “proxy layer for passing synchronization information or commands or both synchronization information and commands between the browser and an external media player” is met by the fact that the SAL functions as an API and acts as an interface between the browser and RealPlayer [col. 2, lines 27-41]. The SAL functions independently of the underlying framework, which is exactly what a proxy does. The plug-ins do not interact directly with the browser framework, but instead interact through the SAL.

Regarding claim 38, the claimed “player-hosting peer implements an interface for providing access to timing information from the player-hosting peer” is met, again, by the SAL, which synchronizes itself and the plug-ins with the time-line of the underlying framework [col. 2, lines 27-42]. As can be seen on column 5, lines 54-65, the SAL provides the plug-ins and the browser with timing information.

Regarding claim 39, the claimed "method of synchronizing playback of media content with other content or with host computer time information" is met as follows by Wason:

- The claimed step of "providing a timing representation to a media player" is met by the web browser discussed in column 1, lines 29-31, which contains a plug-in media player and a SAL (synchronization Abstraction Layer) API to send timing information from the browser to the media player (discussed below).
- The claimed step of "providing a first media player interface for object management and a second media player interface for exchanging timing and synchronization information with a web browser" is met by the RealVideo object 302 which creates a window for viewing media objects [col. 5, line 55] and the interface for passing the time and current information from the player to the SAL (Synchronization Abstraction Layer) 310 API of the browser [col. 5, lines 59-65].
- The claimed step of "issuing commands from the web browser to the media player, the commands being directed to media player operations other than, and in addition to, instantiation of the media player; and notifying the web browser of media player state changes" is met by the SAL (Synchronization Abstraction Layer), which functions as a synchronization interface for the web browser and media player to communicate through [col. 2, lines 26-41]. The initiation of the media



player is met by the creation of the RealVideo object 302 [col. 5, lines 55-56] and the notification is met by the communication that takes place between the SAL and the media player [col. 5, lines 59-65].

Wason does not disclose a plurality of media players that notify the web browser of changes of the states of the plurality of media players. Horner does disclose a plurality of media players (such as the players containing video, or logos, or other content, paragraph 57) that notify the web browser of changes of the states of the plurality of media players (the system keeps track of states of each system and updates, or allows for update, each media player when certain actions are encountered or taken, fig. 8, paragraphs 106-108).

At the time of the invention, it would have been obvious for one skilled in the art to combine the plurality of media players as used in Horner, an analogous art, with the media synchronizing system of Wason to provide the user with a more exciting media environment.

Regarding claim 40, the claimed "second media player interface includes a playback state and a current playback time passed from the media player to the web browser" is met by the RealPlayer periodically calling SAL (within the browser) with the current time and synchronizing information (such as the node of the table for presenting a TOC window that is synchronized with the video) [col. 5, lines 59-65].

Regarding claim 41, the claimed "media player and the web browser both maintain the playing state and the current playback time" is met by SAL and the

RealPlayer continually being updated with current time information in order to keep them synchronized [col. 5, lines 54-65].

Regarding claim 42, the claimed “second media player interface includes the host computer time information passed from the browser to the media player” is met by the ability for the SAL to keep the current time and call the RealPlayer with time updates [col. 5, lines 63-65].

Regarding claims 43-51, the claimed “notification” and “receiving and passing commands” steps are met by the inherent states of the SAL and the media player within the web browser. As discussed in column 5, line 54 – column 6, line 23, the SAL and the media player are periodically calling each other and communicating state and time information between each other, in order to keep the SAL and the media player synchronized for the purpose of presenting synchronized information along with the media being played in the media player. For example, RealVideo and RealTOC are both synchronized to the current time of the RealPlayer. All of the passing from state to state is accomplished, though it may be inherent, it is accomplished by the passing of data between the SAL and the RealPlayer. The start, stop, seek, fast forward, and rewind commands are all discussed thoroughly throughout the cited section [col. 5, line 54 – col. 6, line 23].

Regarding claim 52, the claimed “other content includes advertising or other commercial content synchronized with at least one portion of the media content” is met by the advertising that can be integrated and synchronized with streaming media such as video and audio [col. 2, lines 49-50].

Regarding claim 53, the claimed "media player is external to the browser" is met by the fact that the RealPlayer software can act as a plug-in to the web browser [col. 1, lines 27-40].

Regarding claim 54, the claimed "step of providing a timing representation to a media player further comprises the step of implementing an interface to provide access to timing information from the web browser" is met, again, by the SAL, which synchronizes itself and the plug-ins with the time-line of the underlying framework [col. 2, lines 27-42]. As can be seen on column 5, lines 54-65, the SAL provides the plug-ins and the browser with timing information.

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



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